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# THE FORMATIVE PERIOD IN COLBY'S HISTORY

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*Benell Coll*

Commonwealth of Massachusetts.  
In the year of our Lord one thousand eight hundred and twelve  
An Act to establish a College in the District  
of Maine, within this Commonwealth.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that there be erected and established in the District of Maine, <sup>upon one of the Townships, parishes, or manors</sup> a College for the purpose of educating youth, to be called and known by the name of the Maine Literary and Theological College to be under the government and regulation of a body politic, as in this Act is hereafter described.

Section 2. And be it further enacted, that Daniel Merrill, John Blood, Simeon Beardman, Thomas Green, Robert Low, Benjamin Titcomb, Thomas Francis, Daniel McMaster, Hon James Linscomb, John R. Benson, John Haynes, Timothy Emerson, Daniel Hutchinson, John Taylor, John Hubbard, Samuel Baker, Joseph Bailey, Francis Fisher,

<sup>and</sup> together with the President, Treasurer and Fellows of the said College for the time being, to be chosen as in this Act is hereafter directed, be and hereby are erected a body politic and corporate by the name of the President, Fellows and Trustees of the Maine Literary and Theological College. And that they and their successors and such others as shall be duly elected members of said Corporation, shall be and remain a body politic and Corporate by that name forever.

Section 3. And be it further enacted —

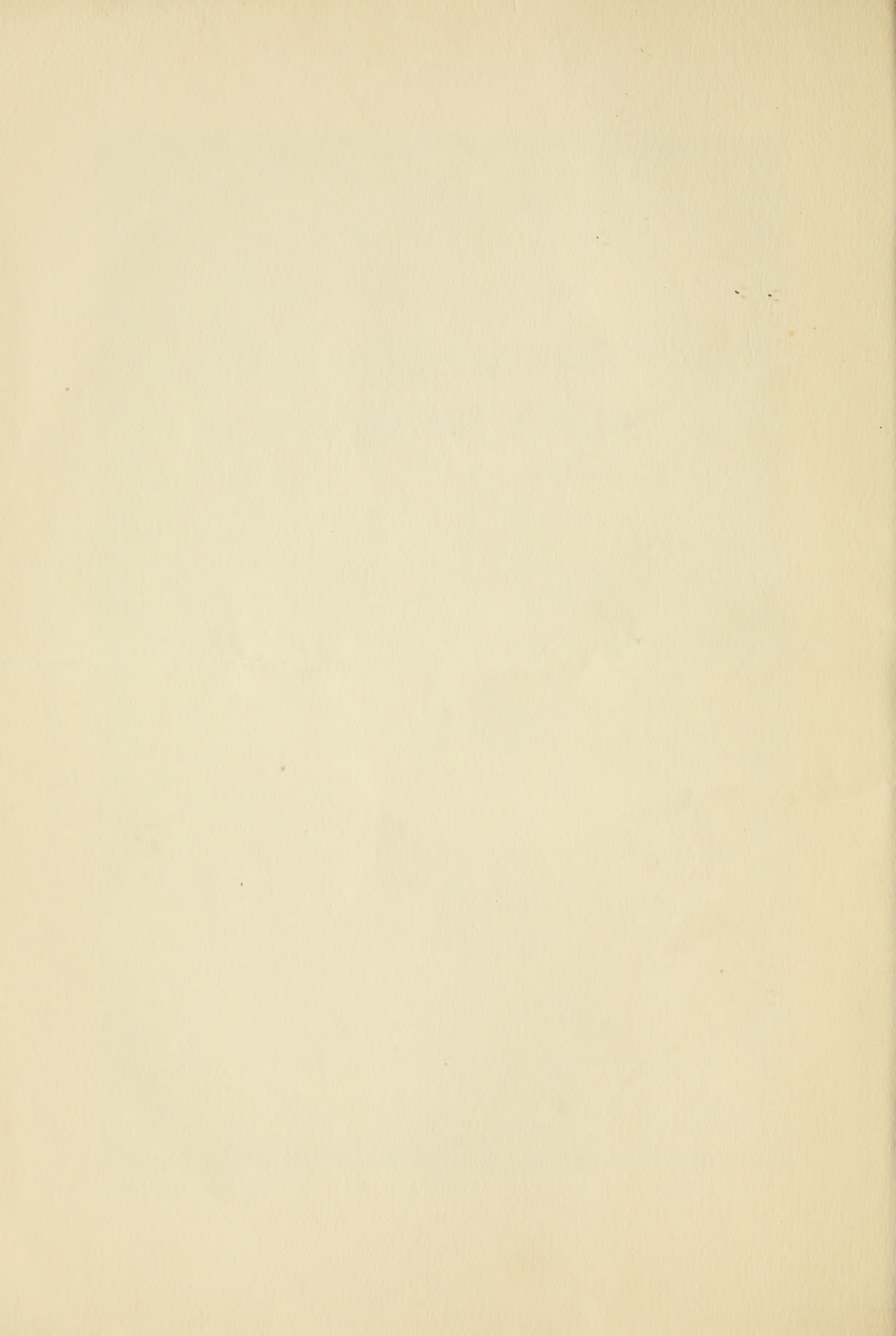
That the Trustees aforesaid be and they are empowered to select such persons of education to be Fellows of the said Institution and who shall be skilled in the learned faculty where duty it shall



# THE FORMATIVE PERIOD IN COLBY'S HISTORY

By  
CHARLES P. CHIPMAN  
Librarian, Colby College

WATERVILLE, MAINE  
1912



## PREFACE

The chapters which make up this little monograph are reprinted from the issues of *The Colby Alumnus* for January and March, 1912. For various reasons it has seemed best to give them without alteration. If my views as to the purpose of the founders of the college shall meet with general acceptance, I shall be amply repaid for my labor.

CHARLES P. CHIPMAN.

May 1, 1912.



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# THE FORMATIVE PERIOD IN COLBY'S HISTORY

In his *History of the Baptists in Maine* Dr. Henry S. Burrage has written :

"February 5, 1821, an act was passed by the Legislature of Maine changing the name of the Maine Literary and Theological Institution to that of Waterville College. The reasons for thus giving to the institution a broader character than was at first contemplated were not recorded and can now only be conjectured. In all probability the change was effected by Dr. Chaplin. A college graduate, he knew the value of a collegiate course as a preparation for theological study, and he could not have been long in coming to the conclusion that the work he had been called to do at Waterville could best be performed by giving the institution a collegiate character. There were those among the trustees who deprecated the change, and in many parts of the State, among the churches and ministers, there was not a little disappointment."\*

In a historical discourse delivered on August second, 1870, President Champlin expressed the same thought when he said :

"The Institution, as we have seen, began as a Literary and Theological School. Those who established it were chiefly ministers of the Gospel, mostly without any regular theological training, and who therefore looked upon it chiefly as a school in which the future pastors of the churches were to be prepared for their work. With them the literary department was preliminary to, but entirely subordinate to the theological department. What must have been their disappointment, then, when in less than three years after it had been set in operation, by its having become a college all this was reversed, and the literary department exalted above the theological, which was depressed more and more, till within a few years it was entirely crowded out of the Institution? I know not under whose counsels this was done, but it has always seemed to me a great mistake."†

The views expressed by Dr. Burrage and President Champlin may be taken as representative of those held by many friends of the college for at least a half-century. They may be briefly summarized thus :

I. The purpose of the founders was to establish a theological school.

\* Chapter XI. Pages 174-175.

† A Historical Discourse delivered at the Fiftieth Anniversary of Colby University, August 2d, 1870, by J. T. Champlin, President, Waterville, 1870.

II. The establishment of the college later was an afterthought, due to the influence of some unknown person or persons.

These views I believe to be entirely mistaken, and due either to ignorance of the original documents still on file in the State Archives of Massachusetts, or to hasty conclusions drawn from an incomplete examination of those documents. The real facts, as we shall see, are these:

The founders of the Maine Literary and Theological Institution intended from the beginning to establish an institution of collegiate rank in which *both* literary and theological instruction should be given, but were unable, at first, to secure a charter commensurate with the full scope of their plan.

It was the Rev. Arthur Warren Smith, Librarian of the New England Baptist Library in Boston, who first called my attention to the existence of the above mentioned documents in the Massachusetts Archives. For some years Mr. Smith has been collecting materials for a biography (as yet unpublished), of the Rev. Daniel Merrill, A. M., who bore a leading part in securing the original charter of the Maine Literary and Theological Institution, and who deserves, perhaps, to be called the father of Colby College. In the course of his investigations, Mr. Smith discovered that there are in existence documents which have never been quoted in any published history of the college. These documents are the first petition (presented to the General Court in 1812)\* and the charter which failed to pass in that legislature, together with the first draft of the charter of 1813, which was amended in its most important sections before its passage. These papers show clearly the real purpose of the founders, and throw an interesting light on the so-called change of policy in 1820—for it should be remarked in passing that it was not the act of February 5, 1821, which raised the institution to full collegiate rank, but the earlier act (June 19, 1820), which, without altering the name, empowered the President and Trustees of the Maine Literary and Theological institution "to confer such degrees as are usually conferred by universities established for the education of youth." The act of the following year merely changed the name without altering the powers of the Institution.

Let us now take a brief survey of the documents, from the first action of the Bowdoinham Association in 1810 to the passage of the bill on February 5, 1821, by which the Maine Literary and Theological Institution became Waterville College, and see if we do not find one unvarying purpose pervading them all.

\* The petition quoted by Dr. E. W. Hall (History of Higher Education in Maine, Chapter V, Colby College, pages 96-97) is the second petition, presented to the next legislature. It varies only in the signatures at the end.



## II.

On September 26, 1810, the Bowdoinham Baptist Association met at Livermore. Before the body adjourned it had taken action as follows:

"8. It being in contemplation to establish an institution in the District of Maine, for the purpose of promoting literary, and theological knowledge; brethren Blood, Boardman, Merrill, Titcomb and Tripp were appointed a committee to take into consideration the propriety of petitioning the General Court for incorporation."\*

So far as can be ascertained, this is the first formal step in the establishment of the institution now known as Colby College, although the opening words "*it being in contemplation*" indicate that the matter had at least been under consideration previous to the meeting of the Association. Later on in the session further action was taken:

"22. The committee appointed to consider 'the propriety of petitioning the General Court relative to the establishment of a Literary and Theological Institution'; suggested to the Association the propriety of appointing a committee, to digest the matter systematically, in concert with brethren from the Lincoln Association; and report thereon at the next annual meeting. Elders Blood, Low and Boardman were chosen for the above purpose.

23. Voted to recommend to the churches of this Association, to endeavor to obtain subscriptions to promote the proposed institution, and to forward the same, to the last mentioned committee."†

That the committees appointed fulfilled their duties is evident from the minutes of the following year, for we read:

"15. Brethren Low, Francis, Billings, Kilgore, Palmer, Swett and Robinson were appointed a committee to petition the General Court, with such as may join them from the Lincoln and Cumberland Associations."‡

In the meantime the Lincoln Association had met and taken action:

"7. Voted to appoint the following brethren a committee to sign the petition to the Legislature, viz.—Daniel Merrill, Samuel Baker, Joseph Bayley, Samuel Stinson, Hezekiah Prince and Benja. Burton."§

\* Minutes of the Bowdoinham Association, held at the Baptist Meeting House, in Livermore, September 26th, and 27th, 1810. Portland: Printed by J. McKown, 1810. Page 5.

† The same, page 7.

‡ Minutes of the Bowdoinham Association, held in Readfield, September 25 and 26, 1811. Hallowell: Printed by N. Cheever, 1811. Page 5.

§ Minutes of the Lincoln Association, holden at Woolwich, September 18 and 19, 1811. Buckstown (Penobscot River). Printed by Anthony H. Holland, 1811. Page 5.

And at its first session the newly formed Cumberland Association passed the following:

"13. Voted, to appoint a committee of seven, in union with the Lincoln, and the Bowdoinham Associations to sign a petition to the Legislature of this Commonwealth, for the incorporation of an institution in the District of Maine, for the purpose of promoting literary and theological knowledge, viz.—Elders Caleb Blood, Thomas Green, Sylvanus Boardman, Benjamin Titcomb, John Haines, Ransom Norton and Deacon Thomas Beck. And that Brother Caleb Blood lay the petition before the legislature."\*

It is noteworthy that in these records the purpose of the proposed institution is invariably given as the promoting of "literary and theological knowledge." If the idea was simply the establishment of a theological school, why should the word "literary" be mentioned first in every case? And inasmuch as Hebron Academy had been in operation six years, the Baptists of Maine could hardly have wished to set up a second preparatory school. The inference is plain that the proposed school was to give literary instruction of collegiate grade. This purpose is more clearly manifest in the succeeding documents.

Another point worthy of our attention, which seems to have escaped the historians of the college, is that the Rev. Caleb Blood did not present the first petition to the legislature of 1812. That duty fell to the lot of Daniel Merrill, as we shall presently see.

\* Minutes of the Cumberland Association, holden at the Baptist Meeting-house in North Yarmouth, October 2 and 3, 1811. Portland Printed by J. McKown, 1811. Page 6.



## III.

The first step in the proceedings before the General Court of Massachusetts is recorded on page 112 of the House Journal for that year, as follows:

"Monday 20 January 1812

P'n of Sundry Persons—praying that a tract of Land may be appropriated to the establishment of a Seminary for the benefit of the Baptist Denomination—Read & Committed to Mr. Smith of W. S. Mr. Webb of B. Hovey, M. V. Coburn of Canaan.

With such & c S up for Con."

The petition referred to is preserved in the Archives as *House 7209*. It reads as follows:

## PETITION

*To the Honorable Senate and Honorable House of Representatives  
in General Court Assembled.*

Your petitioners humbly show, That whereas the encouragement of arts and sciences, and all good literature tends to the honor of God, the advantage of the Christian Religion, and the great benefit of this, and of the other United States of America: and whereas wisdom and knowledge, as well as virtue, diffused, generally, among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, we believe it to be, as the Constitution of our State says it shall be, the duty of Legislators and Magistrates in all future periods of this Commonwealth, to cherish the interests of Literature and Sciences, and all seminaries of them, and encourage public institutions.

Your Petitioners beg leave further to show, that whereas Harvard College in Cambridge, as well as the other Colleges and seminaries, in this State, have been liberally endowed, either by the appropriation of public Lands, or otherwise, by grants of the General Court, and have been committed to the more particular direction and management of that specific part of the community, denominated Congregationalists; and whereas we have sustained a part, and not an inconsiderable part, of those appropriations, without having any particular share in the oversight and direction of such appropriations ever assigned, by authority, to that part of the community denominated Baptists, we therefore consider, and are firmly persuaded, that the General Court would do no injustice to any section of the Commonwealth, but would render more equal justice to the different sections, and largely promote the best good of the State generally, by kindly receiving and favorably answering the petition, to which we solicit the attention of your honorable body.

Your petitioners also beg leave to show farther, that there are, belonging to the regular Baptist Churches, at least between six and seven thousand members, in the district of Maine, and, large congregations, generally united with the Churches in the same sentiment, so that the Baptists are, undoubtedly, more numerous, in this district, than any other denominations, if not, than all others.

Notwithstanding our numbers are so large, and daily increasing,

yet we have no seminary over which we have any control. It is our judgment, that it would be for the furtherance of the gospel, and the general good, that a seminary should be founded in which some of our religious young men might be educated under the particular inspection of able men of the same sentiments. God having put into our heart a strong desire, that such an event might be amicably and speedily accomplished, your Petitioners humbly pray your honorable body to take their request into your wise and benevolent consideration, and grant them, for the furtherance of their object, a [township]\* tract of good land, and cause it to be located as nighly in the centre of the district, and as conveniently situated, as in your wisdom you may find convenient. For, it is contemplated, should it be deemed advisable by the Trustees, that the seminary be on the very [town]\* tract, which your honorable body may see fit to grant for its encouragement.

Your petitioners further pray, That your honorable body will cause the Overseers and Trustees of the proposed Seminary, to be appointed [from among the Ministers and churches of their own denomination]\* with the powers and privileges which in such cases are, by law made and provided, And as in duty bound, will ever pray.

DANIEL MERRILL	{	<i>Committee in behalf of The Lincoln Association</i>
SAML BAKER		
SAMUEL STINSON		
JOSEPH BAILEY		
HEZEKIAH PRINCE		
PHINEAS PILLSBURY		
BENJ'N BURTON	{	<i>Committee in behalf of The Bowdoinham Association</i>
ROBERT LOW		
THOS FRANCIS		
OLIVER BILLINGS		
JOSEPH KILLGORE		
JOSEPH PALMER		
JOHN ROBINSON	{	<i>Committee Cumberland Association</i>
SAML SWETT		
CALEB BLOOD		
JOHN HAINES		
THOMAS GREEN		
SYLVANUS BOARDMAN		
RANSOM NORTON		
BENJAMIN TITCOMB		
THOMAS BECK		

This document bears the following endorsements:

- (1) "In the House of Reps. Jan'y 20, 1812. Read & Committed to Mr. Smith of W. S., Mr. Webb of Boston, a Mr. Hovey of Mount Vernon & Mr. Coburn of Canaan with such as the Honorable Senate may join—  
EL. W. RIPLEY, *Speaker*."
- "In the Senate Jan'y 22d 1812. Read and Concurred and the Hon. Messrs. King, Hastings and Hazard are joined of the Committee accordingly.  
SAM. DANA, *Prest*."
- (2) "Petition of Daniel Merrill and others."

Why Daniel Merrill presented the petition in place of the Rev. Caleb Blood does not concern us here. Mr. Smith in his biography of Merrill answers that question fully. We are concerned with the peti-

\* Words in brackets scratched out in petition.



tion itself, and it is worthy of note that the petitioners refer to "Harvard College in Cambridge, as well as the other colleges and seminaries" being under the direction and management of the Congregationalists. Why base their plea upon this ground if all they desired was a theological school? And again, it is alleged "we have no seminary over which we have any control." Yet Hebron Academy was already established, so they could not have had in mind the establishment of another academy.

As indicated by the endorsement (1) on the petition, the Senate acted in concurrence with the House. On page 226 of the Senate Journal we read:

"Wednesday Jan. 22. The petition of Daniel Merrill and others praying for the establishment of a Baptist College to Mr. Smith of W. S. Mr. Webb of B. Mr. Hovey of                      and Mr. Coburn of C. with such as the Senate may join Came up for Concurrence. Read and Concurred and the Hon. Mess King, Hastings & Hazard are joined."

Here we have it expressly stated that the petitioners desired the establishment of a college. Surely the men to whom the petition was submitted could not have been in error on so important a point.

The joint committee reported three days later. Their report is in the Archives as *House 7196*:

"Commonwealth of Massachusetts. In Senate January 25th, 1812. The Committee of both Houses to whom was committed the Petition of Daniel Merrill and others, a Committee of the Lincoln Association,—Robert Low and others, a Committee of the Bowdoinham Association,—and Caleb Blood and others, a Committee of the Cumberland Association, Praying for the establishment of a College in the District of Maine and for a grant of Land on which it is contemplated the Seminary should be established,—Have had the same under consideration, and [have directed me to]\* report that the Petitioners have leave to bring in a Bill embracing both the objects prayed for.—Which is Respectfully submitted—

by WM. KING *per order*.

"In Senate Jan'y 25th 1812. Read and accepted. Sent down for Concurrence. SAML DANA, *Prest.*"

"In House of Rep. Jan'y 27, 1812. Read and concurred. EL. W. RIPLEY, *Speaker.*"

The Senate Journal for January 25, 1812, page 238, records the action indicated above in these words:

"Leave to bring in a Bill on the Petition of Daniel Merrill and others Read and Accepted. Sent down for Concurrence. Came up Concurred."

Up to this point things were apparently going smoothly. It was not until the bill had been introduced that the opposition is manifested.

\* Words in brackets scratched.

The bill presented is preserved in the Archives as *House 729I*, although first introduced in the Senate. It reads as follows:

Commonwealth of Massachusetts. In the year of our Lord one thousand eight hundred and twelve. An Act.—To establish a, College in the District of Maine, within this Commonwealth.—

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that there be erected and established in the District of Maine upon one of the Townships hereafter mentioned a College for the purpose of educating youth, to be called and known by the name of the Maine Literary and Theological College to be under the government and regulation of a body politic, as in this Act is hereafter described.—

Section 2d—And be it further enacted, that Daniel Merrill, Caleb Blood, Sylvanus Boardman, Thomas Green, Robert Low, Benjamin Titcomb, Thomas Francis, Daniel McMaster, Hon. James Campbell, John R. Stinson, John Haynes, Timothy Johnson, Daniel Hutchinson, Joshua Taylor, John Hubbard, Samuel Baker, Joseph Bailey, Phinehas Pilsbury, & Hezekiah Prince, together with the President, Treasurer and Fellows of the said College for the time being, to be chosen as in this Act is hereafter directed, be and hereby are erected a body politic and corporate by the name of the President, Fellows and Trustees of the Maine Literary and Theological College and that they and their successors and such others as shall be duly elected members of said Corporation, shall be and remain a body politic and corporate by that name forever.—

Section 3d—And be it further enacted—That the Trustees aforesaid be hereby empowered to elect nine persons of education to be Fellows of the said Institution and who shall be stiled the learned faculty whose duty it shall be to determine the qualifications of all Candidates for degrees, which shall be given only by their authority.—

Section 4th—And be it further enacted—That for the more orderly conducting the business of the said Corporation, the President, [and]\* Fellows and Trustees shall have full power and authority, from time to time, as they shall determine, to elect a Vice President, Treasurer, and Secretary of said Corporation; and to declare the tenure and duties of their respective offices, and also to remove any Trustee or Fellow from the said Corporation, when in their judgment, he shall be rendered incapable, by age or otherwise of discharging the duties of his office, and to fill up all vacancies in the said Corporation by electing such persons for Fellows or Trustees as they shall judge best.—Provided nevertheless—That the number of the said Corporation including the President of the said College and the Treasurer for the time being shall never be greater than thirty one, nor less than twenty one.—

Section 5th—And be it further enacted That the said Corporation may have one common seal, which they may change, break or renew at their pleasure; and that all deeds, signed and delivered by the Treasurer, and sealed with their seal by the order of the Corporation, shall when made in their [respective]\* Corporate name, be considered in Law as the deed of the said Corporation.—And that the said Corporation may sue and be sued, in all actions, real, personal and mixed, and may prosecute and defend the same, to final Judgement and execution, by the name of the President, and Corporation, of the Maine Literary & Theological [University]\* College, And that the said Corporation shall be capable of having, holding, and taking in fee simple, or any less estate, by gift, grant, devise, or otherwise, any lands, tenements, or other estate, real or personal.—Provided nevertheless, that the annual clear income of the

\* Words in brackets scratched.

same shall not exceed the sum of thirty thousand dollars.

Section 6th—And be it further enacted,—That the said Corporation shall have full power and authority determine at what times and places their meetings shall be holden, and on the manner of notifying the Trustees and Fellows to convene at such meetings:—And also from time to time to elect a President and Treasurer of said College, and such Professors, Tutors, Instructors, and other officers of said College, as they shall judge most for the interest thereof, and to determine the duties, salaries, emoluments and tenures of their several offices aforesaid: The said President, for the time being, when elected and inducted into his office, to be, *ex-officio*, the President of the said Corporation.—And the said Corporation are farther empowered to purchase or erect, and keep in repair, such houses and other buildings as they shall judge necessary for the said College; and also to make and ordain, as occasion may require, reasonable rules, orders and bye laws, not repugnant to the laws, of this Commonwealth, with reasonable penalties for the good government of the said College, and also to determine and prescribe the mode of ascertaining the qualifications of the students requisite to their admission.—Provided nevertheless, That no corporate business shall be transacted at any meeting unless thirteen at least of the Corporation are present.—

Section 7th—And be it further enacted—That the President, Professors, and Fellows of the said College are hereby empowered to confer [such degrees as are usually conferred by Universities established for the education of youth. Provided nevertheless—That the said Board shall confer no degrees other]\* the degrees of Bachelor of Arts, and Master of Arts, [untill after the first day of January, which will be in the year of our Lord one thousand eight hundred and twenty.]\*

Section 8th—And be it further enacted—That the clear rents, issues and profits of all the estate, real and personal, of which the said Corporation shall be seized or possessed, shall be appropriated to the endowment of the said College, in such manner as shall most effectually promote Virtue and Piety, and the knowledge of such of the languages, and of the liberal arts and sciences as shall hereafter be directed from time to time by the said Corporation.—

Section 9th—And be it further enacted—That the Hon. John Woodman, Esquire be and he is hereby authorized and impowered to fix the time and place for holding the first meeting of the said Corporation, of which he shall give notice, by an advertisement in a Portland and one other eastern newspaper, at least fourteen days previous to the time of said meeting.—

Section 10th—And be it further enacted—That the Treasurer of the said Corporation shall before he enters upon the execution of the duties of his office give bonds to the said Corporation, in such sums, and with such sureties as they shall approve of, conditioned for the faithful discharge of the said office, and for rendering a just and true account of his doings therein, when required.—And that all the money securities, and other property of the said corporation together with all the books in which his accounts and proceedings, as Treasurer, were entered and kept, that shall be in his hands at the expiration of his office, shall, upon demand made upon him, his executors or administrators, be paid and delivered over to his successor in that office. And all monies recovered by the virtue of any suit at law, upon such bond, shall be paid over to the Corporation aforesaid, and subjected to the appropriation above directed in the Act.—

Section 11th—And be it further enacted [A]\*—And the said Corporation shall be holden to [give]\*<sup>2</sup> render an account to the

\* Words in brackets scratched.

\* See below, Amendments. \*<sup>2</sup> Scratched out.



Legislature, whenever they shall see fit to require it, of all their proceedings, and the manner of disposing of the funds of said [University]\*<sup>2</sup> College.

Section 12th—And be it further enacted—That there be and hereby is granted, a tract of land, twelve miles square, or four Townships, either separte or adjoining each other of the contents of six miles square each, either the one or the other as the Corporation of the said College may judge to be most conducive to the prosperity and interest of the same, to be laid out and assigned from any of the unappropriated land belonging to this Commonwealth in the District of Maine, under the same restrictions, reservations & limitations as other grants for similar purposes are usually made. The same to be vested in the Corporation of the said College and their successors forever, for the use benefit and purpose of suporting said College, to be by them holden in their Corporate capacity, with full power and authority to settle divide, and manage the same tract of land or townships, or any part thereof, or to sell, convey or dispose of the same for settlement only, and to no one person a larger quantity than one thousand acres, in such way and manner as shall best promote the welfare of said College, the same to be laid out under the direction of the Committee for the sale of Eastern Lands, and a plan or plans thereof returned into the Secretary's office.

(The spelling throughout the above copy is that of the original.)

If there had been any room for doubt in the earlier stages of the movement as to its real purpose, this draft of the proposed charter would dispel it. It is essentially a college charter. Indeed, it was more than that in its first form, for originally the word "University" was used in every place where the word "College" now appears. The change was made by erasure (the traces are still plainly visible in the manuscript) except in two cases: At the top of page three of the draft the word "University" is merely crossed out, as indicated by the [] in the above copy, and the word "College" was written beside it. The same change is found again on the fifth page. In addition to this indication of the broad character of the original draft, the seventh section in its first form gave the proposed institution the power to confer "such degrees as are usually conferred by Universities established for the education of youth". Evidently there was some objection to this and the power to grant degrees was restricted to those of Bachelor of Arts and Master of Arts. How any one can read this draft of the proposed charter and maintain that the petitioners had in mind primarily a theological school, it is hard to understand.

The charter seems to have met with no great opposition in the Senate, for in the Journal we read, under date of Saturday, February 8th:

"Bill entitled an Act to establish a College in the District of Maine, within this Commonwealth having had two several readings passed to be ingrossed sent down for Concurrence."

\*<sup>2</sup> Scratched out.

As in the charter itself, the word "College" is here written over the erasure of "University", indicating that the changes noticed above were made after the bill was introduced in the Senate.

Up to this point the petitioners had met, apparently, with no serious opposition. But their experience with the House was to be far different, although the bill passed the first reading, as indicated by an entry in the House Journal for Wednesday, February 12, 1812:

"Bill to establish a College in Maine—by the name of the Maine Literary and Theological College Read a first time & Friday 14th assd for a 2d Rdg & 400 Copies to be printed."

Of the four hundred printed copies only one has so far been located. That is in the Boston Public Library and can be seen by any visitor on request. It is bound with other pamphlets of the period.

Although the second reading was assigned for the 14th, it was not until Saturday, February 22d, that the bill was called up, to meet an overwhelming and, in view of the preceding votes, an unaccountable defeat. The brief record in the House Journal is as follows:

"Bill to establish a College in the District of Maine Read a 2d time & amended on Motion of Mr. Mudge.\* On motion of Dr. Dodge<sup>2</sup> the House ordered the first Section to be stricken out."

The entry is followed by the figures "224-60", evidently the vote on the last motion. Of the nature of the amendments offered by Mr. Mudge we are not in doubt, for two slips of paper are inserted opposite the eleventh section of the bill, bearing what we may well assume to be the suggested amendments. The first comes at the very beginning of the section and reads:

"[Section 11th at] A [insert]\* that the Legislature of this Commonwealth may grant any further powers to or alter, limit, annul, or restrain any of the powers of this Act vested in the said Corporation, as shall be judged necessary to promote the best interest of the said College—"

The purpose of this is obvious; its effect was to limit the life of the institution to the pleasure of the Massachusetts legislature. The second amendment was even more important. It provided that "there shall never be in the said Corporation a majority of members who are of [any]\* the same religious denomination". The effect of this would have been entirely to defeat the purpose of the petitioners, which was to have a college under Baptist control. With the passage of these two amendments the battle was lost. The vote to strike out the first section, i. e., to kill the bill, was hardly necessary. Nothing more could be done for the time being, and the matter was dropped until a new legislature should meet.

\* Enoch Mudge, of Orrington.

<sup>2</sup> Ezekiel G. Dodge, of Thomaston.

\* Words in brackets crossed out.

## IV.

What were the forces which opposed the passage of the charter of the "Maine Literary and Theological College" in February, 1812? While we cannot answer that question with absolute certainty, there can be little doubt that the friends of the infant institution at Brunswick were averse to the establishment of a second college in the District of Maine, and used their influence to prevent the passage of the charter submitted.<sup>1</sup> Be that as it may, there was sufficient opposition to secure the overwhelming defeat of the proposed charter.

That Merrill and his co-workers were not disposed to relinquish their attempt to secure full collegiate powers for their proposed institution is evident from their next move. Had they now submitted a bill for a strictly theological school, there is every reason to believe that it would have been speedily passed. But they did no such thing. When the new General Court met early in the summer of 1812, Daniel Merrill was present as a member of the lower house, and from this vantage point continued his fight. On the fifth of June he presented a second petition. This was identical with the first petition presented the previous January, with the exception of the signatures at the end. These were as follows:

DANIEL MERRILL	{ In behalf and by the direction of the Lincoln Association, containing forty- eight associate Churches.
ROBERT LOW	{ In behalf and by the direction of the Bowdoinham Association; con- taining twenty associate Churches.
SYLVANUS BOARDMAN THOMAS GREEN CALEB BLOOD	{ In behalf and by the direction of the the Cumberland Association, contain- ing twenty-four associated Churches.

Why the change in the arrangement of signatures was made we can only surmise. The petitioners may have thought that the new method gave a better indication of their strength as representing a total of ninety-two associated Baptist churches. The petition bears two endorsements, written on a separate sheet and attached to the bottom by seals. The first of these reads:

"In Senate June 5th 1812 Read & Committed to the Hon Mess  
Phillips, Poor, and Foote—to consider and Report thereon. Sam.  
Dana, Prest."

1 The report of the committee to which was submitted the petition of 1819 for further aid makes this quite clear.



The report of that committee, filed with the petition, is as follows:

COMMONWEALTH OF MASSACHUSETTS.

The Committee of the Senate to whom was referred the Petition of Daniel Merrill and others praying that they may be allowed to establish a College in the district of Maine within this Commonwealth and for a Grant of Land, to aid them in the establishment of such Seminary, have had the same under consideration, and ask leave to Report—That the further consideration thereof be referred to the [next]<sup>2</sup> last session of the present General Court. Which is respectfully submitted, by order of the Committee. E. Poor, Chairman

In the Senate June 11th 1812 Read & accepted Sam. Dana Pres.

Here again we find the purpose of the petitioners stated in the words “to establish a College in the district of Maine,” showing plainly how the matter was viewed at the time. Why further consideration was postponed to the winter session of the General Court, is a question the documents do not answer. The second endorsement upon the petition shows the action taken by the Senate at that later session:

“In Senate, Feby 13th 1813. Read and Committed to the Hon Mess Phillips, Poor and Foote—to consider and report thereon. Sam. Dana, Pres.”

This is the same committee to which it had been committed in the previous June, and that they were favorably disposed is shown by their report, which follows:

COMMONWEALTH OF MASSACHUSETTS.

The Committee of Senate to whom was referred the Petition of Daniel Merrill and others praying that they may be incorporated into a Literary Seminary in the District of Maine with the usual powers & privileges, and for a Grant of Land to enable them to carry into effect the object of the Petition, have had the same under consideration—and ask leave to Report—That the prayer of the Petition be so far granted, that the Petitioners have leave to bring in a Bill for that purpose.

Which is respectfully submitted, by order of the Committee, John Phillips, Chairman.

In Senate Feby 19th 1813 Read and accepted. Sam. Dana, Pres.

One significant change in phraseology is to be noted in this report. The word “college” is no longer used; in its place we find “Literary Seminary.” That this change was made with a view to lessening opposition we may be allowed to assume in view of what came later. In accordance with the report of the committee, a draft of the desired charter was submitted in this form:<sup>3</sup>

<sup>2</sup> Word in brackets crossed out in original.

<sup>3</sup> Words in brackets were crossed off in original. Portions printed in italics were amended out of the charter. Letters in parentheses refer to list of amendments given later.

Commonwealth of Massachusetts. In the year of our Lord eighteen hundred and thirteen. An act.—To establish a Literary Institution in the District of Maine, within this Commonwealth.—

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that there be erected and established in the District of Maine in the Township hereafter mentioned a Literary Institution, for the purpose of educating youth to be called and known by the name of the Maine Literary and Theological Institution, to be under the government and regulation of a body politic, as in this Act is hereafter described.

Sect. 2—[And] be it further enacted, That Daniel Merrill, Caleb Blood, Sylvanus Boardman, Thomas Green, Robert Low, Benjamin Titcomb, Thomas Francis, Ransom Norton, Daniel McMaster, Hon. James Campbell, Samuel Stinson, John Hovey, David Nelson, Alford Richardson, John Haynes, Samuel Baker, Joseph Bailey, Phinehas Pillsbury, Hezekiah Prince, Moses Dennett, and John Neal, together with the President, (A) Treasurer (B) and *Fellows* of the said Institution, for the time being, to be chosen, as in this Act, is hereafter directed, be and hereby are erected a body politic and corporate by the name of the President, (C) *Fellows* and Trustees of the Maine Literary and Theological Institution. And that they and their successors, and such others as shall be duly elected members of said Corporation, shall be and remain a body politic and corporate by that name forever.

Sect. 3—(D) *[And] be it further enacted, That the Trustees aforesaid be hereby empowered to elect nine persons of education to be Fellows of the said Institution, and who shall be stiled the Learned Faculty, whose duty it shall be to determine the qualifications of all Candidates for degrees, which shall be given only by their authority.*

Sect. 4—[And] be it further enacted, That for the more orderly conducting the business of the said Corporation, the President, (E) and *Fellows* and Trustees shall have full power and authority, from time to time, as they shall determine, to elect a Vice President, Treasurer, and Secretary of said Corporation, and to declare the tenure and duties of their respective offices, and also to remove any Trustee, (F) or *Fellow* from the said Corporation, when in their judgment, he shall be rendered incapable, by age or otherwise, of discharging the duties of his office, and to fill up all vacancies in the said Corporation, by electing such persons for (G) *Fellows* or Trustees as they shall judge best. Provided nevertheless That the number of the said Corporation, including the President of the said Institution, and the Treasurer for the time being, shall never be greater, than Thirty one, nor less than twenty one.

Sect. 5—And be it further enacted, That the said Corporation may have one common seal, which they may change, break, or renew at their pleasure; and that all deeds, signed and delivered by the Treasurer, and sealed with their seal by the order of the Corporation, shall when made in their Corporate name, be considered in Law as the deed of the said Corporation.—And that the said Corporation may sue and be sued, in all actions, real, personal and mixed, and may prosecute and defend the same, to final Judgment and execution, by the name of the President, and Corporation, of the Maine Literary & Theological Institution.—And that the said Corporation shall be capable of having, holding, and taking in fee simple, or any less estate, by gift, grant, devise, or otherwise, any lands, tenements, or other estate, real or personal. Provided nevertheless, That the annual clear income of the same shall not exceed sum of thirty thousand dollars.

Sect. 6—[And] be it further enacted, That the said Corporation shall have full power and authority to determine at what times and places their meetings shall be holden, and on the manner of notifying the Trustees (H) and *Fellows* to convene at such meetings; And also from time to time to elect a President of said Institution, and such Professors, Tutors, Instructors, and other officers of said Institution, as they shall judge most for the interest thereof, and to determine the duties, salaries, emoluments and tenures of their several officers aforesaid. The said President, for the time being, when elected and inducted into his office, to be, ex-officio, President of the said Corporation.—And the said Corporation are further empowered to purchase or erect, and keep in repair, such houses and other buildings as they shall judge necessary for the said Institution; and also to make and ordain, as occasion may require, reasonable rules, orders and by laws, not repugnant to the laws, of this Commonwealth, with reasonable penalties for the good government of said Institution, and also to determine and prescribe the mode of ascertaining the qualifications of the students requisite to their admission. Provided, nevertheless, That no corporate business shall be transacted at any meeting unless thirteen at least of the Corporation are present.

Sect. 7—(I) *Be it further enacted, That the President, Professors, and Fellows of the said Institution are hereby empowered to confer degrees of Bachelor of Arts and Master of Arts.*

Sect. 8—[And] be it further enacted, That the clear rents, issues and profits of all the estate, real and personal, of which the said Corporation shall be seized or possessed, shall be appropriated to the endowment of the said Institution, in such manner as shall most effectually promote virtue and piety, and the knowledge of such of the languages, and of the liberal arts and sciences as shall hereafter be directed from time to time by the said Corporation.

Sect. 9—And be it further enacted, That the Hon. John Woodman, Esq. be, and he is hereby authorized and empowered to fix the time and place for holding the first meeting of the said Corporation, of which he shall give notice, by an advertisement in a Portland and one other Eastern newspaper, at least fourteen days previous to the time of said meeting

Sect. 10—And be it further enacted, That the Treasurer of the said Corporation shall, before he enters upon the execution of the duties of his office, give bonds to the said Corporation, in such sums, and with such sureties as they shall approve of, conditioned for the faithful discharge of the said office, and for rendering a just and true account of his doings therein, when required. And that all the money, securities, and other property of the said Corporation, together with all the books in which his accounts and proceedings, as Treasurer, were entered and kept, that shall be in his hands, at the expiration of his office, shall, upon demand made upon him, his executors [and] or administrators, be paid and delivered over to his successor in that office. And all monies recovered by the virtue of any suit at law, upon such bond, shall be paid over to the Corporation aforesaid, and subjected to the appropriation above directed in the Act.

Sect. 11—[And] be it further enacted, That the Legislature of this Commonwealth may grant any further powers to, or alter, limit, annul, or restrain, any of the powers by this Act vested in the said Corporation, as shall be judged necessary to promote the best interest of the said Institution. And the said [Institution] Corporation shall be holden to render an account to the Legislature, whenever they shall see fit to require it, of all their proceedings, and the manner of disposing of the funds of said Institution.

Sect. 12—[And] be it further enacted, That there be and hereby



is granted a township of land, six miles square, to be laid out and assigned from any of the unappropriated land, belonging to this Commonwealth in the District of Maine, under the same restrictions, reservations and limitations as other grants, for similar purposes are usually made.—The same to be vested in the Corporation of said Institution, and their successors forever, for the use benefit and purpose of supporting said Institution, to be by them holden in their Corporate capacity, with full power and authority to settle, divide, and manage the same tract of land or township, or any part thereof, or to sell, convey or dispose of the same for settlement only, and to no one person a larger quantity than one thousand acres, in such way and manner as shall best promote the welfare of said Institution, the same to be laid out under the direction of the Committee for the sale of Eastern Lands, and a plan or plans thereof returned into the Secretary's office. (K)

Although the word "Institution" has been substituted for the word "College" in the title, this bill is practically the same as that submitted in 1812, and is still essentially a college charter. The slight changes which should be noted are these: Changes in the individuals named as incorporators in section two; change in the eleventh section giving the legislature the power to increase, alter, limit, or annul any of the powers granted; a grant of one township of land, in place of the four townships given by the previous bill. The petitioners seem to have believed that by substituting the word "Institution" for "College" and making the further concessions noted, they might appease the opposition and secure an institution with full collegiate powers under another name. Their hopes however, were ill-founded.

As had been the case the previous year, there was no opposition in the Senate, as the endorsement makes clear:

"In Senate, February 22d, 1813. This bill having had two several readings passed to be engrossed. Sent down for Concurrence. Sam. Dana, Pres."

The action of the House was not delayed, for the bill was disposed of on the following day. The record reads thus:

"In the House of Representatives, Feb. 23, 1813. This Bill having had three several reading passed to be engrossed in concurrence with the Hon. Senate with following amendments viz., at A insert 'and', at B dele 'and fellows', at C dele 'Fellows', at D dele the whole 3d Section; at E dele 'Fellows', at F dele 'or fellows', at G dele 'fellows or', at H dele 'and fellows', at I dele the whole seventh section.

"Sent up for concurrence, Timothy Bigelow Speaker."

A separate slip contains a draft of the above amendments and one other which was also adopted:

"At K add 'within three years after the expiration of the present war with Great Britain.'"

These are the changes which Dr. Burrage<sup>4</sup> characterizes as "trifling amendments!" They were in fact all-important and stripped the proposed institution completely of collegiate powers. Merrill and his colleagues were now convinced apparently, of the futility of pressing further at that juncture their request for a college charter, and signified their willingness to accept the amended bill. On the twenty-fifth of February the Senate concurred in the amendments, and on the twenty-seventh the bill was approved by the Governor.<sup>5</sup> The petitioners had secured a charter for a "Literary and Theological Institution" only, but that they had not given up the idea of establishing a college the sequel shows. For the present, however, they allowed that matter to rest. As Dr. Hall remarks:<sup>6</sup> "The name 'Literary and Theological Institution' was at that time a favorite designation attached to many schools of a higher order in which collegiate and theological classes were united," and there was nothing to prevent the giving of collegiate courses under the charter granted, although no degrees could be conferred. In fact, such collegiate courses were given by the institution, beginning in 1819.

<sup>4</sup> History of the Baptists in Maine, p. 168.

<sup>5</sup> The charter in its final form has been so often re-printed that it is unnecessary to give it here.

<sup>6</sup> In his "History of Higher Education in Maine," p. 99.

## V.

When the Maine Literary and Theological Institution came into corporate existence two years and four months had passed since the first action of the Bowdoinham Association. Five years more went by before the work of instruction actually commenced at Waterville. They were not years of inactivity, but were spent in securing from the State the township of land donated by the act of incorporation, in deciding upon a suitable location, and in endeavors to obtain further state aid. We cannot follow in detail all the steps taken, but must confine our attention solely to the documents which have a direct bearing on the character of the institution which the founders had in mind to set up.

As early as June 4, 1813, the Trustees attempted to secure by a Resolution<sup>7</sup> of the General Court the laying out of Township No. 3 on the West side of the Penobscot river for the benefit of the Institution, but it was not until February 15, 1815, that the grant was made. And on June 14, 1813<sup>8</sup>, the Trustees sought to obtain permission to locate the Institution elsewhere than on the township specified, but not until June 15, 1816 was the desired permission given. By a vote of the Trustees on October 1, 1817, Waterville was chosen as the site of the Institution. This meeting, which occupied two days, October first and second, was a most important one. Among the votes recorded we find:

"Vote 17. Voted that the price of tuition shall be the same in this Institution as in Bowdoin College."

While in itself of no great importance, this indicates that the Trustees had in view the establishment of an institution of a grade equal to that of the college in Brunswick. Taken in connection with what comes later it is an interesting link in the chain of evidence. At this meeting, also, the Trustees considered the "expediency of electing any of the officers of the Institution," and "also at what time tuition may probably commence;" but it was not until the following February that the Rev. Jeremiah Chaplin was chosen Professor of Theology and Rev. Irah Chase, Professor of Languages. Mr. Chase declined the appointment, and on July 6, 1818, Mr. Chaplin alone commenced the work of instruction. The Trustees continued to seek a man for the position declined by Mr. Chase, but it was some months before they were successful.

<sup>7</sup> See file "Senate 4713" in Massachusetts Archives.

<sup>8</sup> See file "House 7574" in Massachusetts Archives.



Repeated attempts to secure further grants from the state were unsuccessful. The report of the committee to whom the last of these petitions was referred is interesting because it goes at length into the question and gives the reasons for declining.<sup>9</sup> After stating that the Trustees are trying to set up a college, although the Legislature had not granted them a college charter, the committee state that in their opinion one college is enough for the District of Maine and that all state grants should go to the one already established.

In the meantime a plot of ground had been purchased in Waterville, and steps were taken toward erecting buildings thereon. In the records of the Trustees for their meeting in May, 1819, we find the following:

"7. Voted that Rev. Dr. Baldwin, Rev. Jeremiah Chaplin, Calvin Stockbridge, Timothy Boutelle, & John Hovey Esq. be a committee to take into consideration & report at the present meeting the expediency of erecting one or more buildings, the present year, on the College land in Waterville, of what size & of what materials."

As the result of the above vote we have later in the session the following:

"10. Voted, That the following gentlemen, viz. Nathaniel Gilman, Timothy Boutelle & Asa Redington Esq. be a committee to erect a wooden building, on the College Land, two stories high. . . . & said committee are authorized to contract for brick to be made not exceeding two hundred thousand & also for other materials for the College Edifice to be commenced building as early the next season as practicable & said committee are requested to prepare & present to the Trustees at their next meeting in August next a plan of a College building &c"

Here again we have evidence that the Trustees considered the Institution as a college, in spite of their failure to secure a college charter. Further evidence on this point is to be found in a pamphlet dated May 21, 1819, and entitled "Maine Literary and Theological Institution," in which we read:<sup>10</sup>

"The design of the Trustees in founding this Seminary is not limited to such Students as have the gospel ministry in view, but extends to those who are desirous of engaging in any of the learned professions. It has, accordingly, a literary as well as a theological department.

"Students, who enter the former, are required to possess nearly the same literary qualifications, and to pursue, in general, the *same course of studies as those are who enter the several Colleges of this Commonwealth.*" (The italics are mine.)

How stronger evidence of the collegiate character of the institution could be given, it is hard to see. On the same page we read: "The

<sup>9</sup> This report is dated Feb. 19, 1819. It is too long to be given here.

<sup>10</sup> Pages 1 and 2. The pamphlet contains a brief account of the "Origin, progress, design, and present state of the Institution," and an "Address to the public."

literary department, it is expected, will be put into operation in September next." It actually opened in October, Rev. Avery Briggs having been secured in the meantime as Professor of Languages.<sup>11</sup>

But before the Literary Department was in operation the General Court of Massachusetts had passed the Act of Separation, and it was certain that the District of Maine was to become a separate state: On the eighteenth of August the Trustees of the Maine Literary and Theological Institution passed the following vote:

"21. Voted that a committee be appointed to petition the Legislature of Maine to invest this Institution with all the powers of a College & to endow it as in their wisdom they shall think proper & that Rev. S Boardman, Timothy Boutelle, Thomas B Ripley, Jeremiah Chaplin, Ebenezer T Warren & Nathaniel Weston Jr. & Calvin Stockbridge Esq be this Committee."

Evidently the Trustees had reason to believe that they could obtain from the first legislature of Maine the powers they had twice sought in vain from the General Court of Massachusetts. They certainly lost no time in making the attempt. The first session of the legislature of the new state met on May 21, 1820. To it the following petition was submitted:<sup>12</sup>

#### PETITION

To the Hon. the Senate & House of Representatives of the State of Maine, in Legislature assembled,

Respectfully represent, The Trustees of the Maine Literary & Theological Institution, That this Institution was incorporated by an Act of the Legislature in 1813, &, at the same time, was endowed with a Grant of a Township of land—That in 1818 the Trustees established the Institution in Waterville, & in July of the same year, instruction was commenced under the direction of the Rev. Jeremiah Chaplin, Professor of Theology—that the Rev. Avery Briggs has been since appointed Professor of languages, & commenced instruction in the summer of 1819—that the number of Students now in the Institution is twenty-two—

They further represent, that since the establishment of the Institution, benefactions of generous individuals have amounted to about seven thousand dollars—by means of which, they have been enabled to purchase eligible grounds for the erection of suitable buildings, & to erect and finish a dwelling house & out buildings for the accommodation of one of the Professors, & have the greater part of the materials now collected for a brick Edifice one hundred & twenty feet long—forty feet wide—three stories high & to contain thirty-six rooms for students—

They further represent, that it was the original design of the Trustees, whenever their funds & prospects should warrant, to establish a sufficient number of Professors and Tutors to instruct in all the different branches of science and literature, usually taught in our Colleges—That, in establishing the Institution in Waterville, they believed they thereby attained one important point

<sup>11</sup> E. W. Hall: History of Higher Education in Maine, p. 104.

<sup>12</sup> The petition, and all documents quoted from this point (except records of the Trustees) are on file in the office of the Secretary of State at Augusta.

necessary to its future growth and prosperity—that its situation in the State is central, & in the midst of a large agricultural district, not surpassed, if equalled by any other part of Maine—in consequence of which the price of board now is, & will probably continue to be, not more than two-thirds what it is at the other Colleges in New England—

And your petitioners believe, that literary Institutions should be organized & conducted with a wise regard to the situation & exigencies of our State—& that the true interests of science as well as of every free State, require that the means of acquiring a liberal education should be made accessible to the middling classes of citizens as well as the more opulent—They, therefore, pray that the powers given by their charter may be enlarged, & that the power of bestowing such Degrees, as are usually conferred by other Colleges, may be given to this Institution.  
May, 1820.

SYLVANUS BOARDMAN	} Committee appointed by Trustees
JOHN HOVEY	
JEREMIAH CHAPLIN	
NATHAN WESTON JUN	
E. T. WARREN	
CALVIN STOCKBRIDGE	

Note well the opening sentence of the third paragraph: "*They further represent, that it was the original design of the Trustees, whenever their funds & prospects should warrant to establish a sufficient number of Professors and Tutors to instruct in all the different branches of science and literature usually taught in our Colleges.*" That single sentence is enough to establish beyond dispute the fact that the founders of the Maine Literary and Theological Institution had in view the establishment of a college. It is, moreover, significant that the first name signed to the petition is that of Sylvanus Boardman, If any man knew what was the original purpose of the founders, Sylvanus Boardman was the man.

Dr. Burrage, in the passage already quoted says of the change of name in 1821:<sup>13</sup> "The reasons for thus giving to the institution a broader character than was at first contemplated *were not recorded*, and can now only be conjectured. In all probability the change was effected by Dr. Chaplin." (The italics are mine.) Now, if any "change" in policy had been made, it was when the collegiate powers were granted in 1820, and if Dr. Burrage had taken the trouble to inspect the records at Augusta he would have found that the reasons for the step were fully set forth in the petition just quoted, and that in reality there was no "change" whatever in the policy of the Trustees.

The petition bears the following endorsements:

"In Senate, June 2, 1820. Read and committed to the Hon. Messrs. Boutelle and McDonald with such as the Hon. House may join. Sent down for concurrence. John Chandler, Presdt."



"House of Representatives, June 2, 1820. Read and concurred, and Messrs. Greenleaf of Portland, Holland of Jay, Emerson of Machias are joined. Ben. Ames, Speaker."

The committee to which the petition was referred, submitted the bill which follows:

#### STATE OF MAINE

In the year of our Lord one thousand eight hundred and twenty.  
An act to enlarge the powers of the Maine Literary & Theological Institution.

Sec. 1. Be it enacted by the Senate & House of Representatives in Legislature assembled—That the President & Trustees of the Maine Literary & Theological Institution are hereby authorized & empowered to confer such Degrees as are usually conferred by Universities established for the education of youth;—Provided that the said Corporation shall confer no Degrees other than those of Bachelor of Arts, & Master of Arts, until after the first day of January which will be in the year of our Lord eighteen hundred & Thirty—(A)

Sec. 2nd. And be it further enacted by the authority aforesaid—That the Legislature of this state shall have the right to grant any further powers to alter, limit, or restrain any of the powers vested in said Corporation as shall be judged necessary to promote the best interests thereof—

Action on the bill is recorded thus:

"In Senate, June 12. The committee on Bills in the 2d Reading report that this Bill ought to pass as amended at A—  
E. Foote, pr oder."

A slip accompanies the bill bearing the proposed amendment:

"And provided also, that the said corporation shall not make or have any rule or by-law requiring hat any number of the Trustees shall be of any particular religious denomination.  
(at A add this proviso)

B Add after above amendment the amendment marked B."

The change was accepted and on the following day the bill was passed to be engrossed, and sent down for concurrence. The House added to the amendment already adopted for further proviso:

"Add this to end of former amendment at Letter B:

Provided that no student belonging or who may hereafter belong to said Institution sustaining a fair moral character shall be deprived of any privileges of said institution, or be subjected to the forfeiture of any aid which has been granted by said Institution for the purpose of enabling him to prosecute his studies, or be denied the usual testimonials on closing his studies or be denied admission to said Institution on the ground that his interpretations of the Scriptures differ from those which are contained in the articles of faith adopted or to be adopted by said Institution."

With this change the bill was returned to the Senate where the final action is recorded thus:

"In Senate June 16, 1820. Read & concurred in the amendment.  
John Chandler, Prsdt."

The act was approved on June 19, 1820, and the Maine Literary and Theological Institution at last possessed the powers which had been asked for in the original bill submitted to the General Court of Massachusetts in 1812. Only one further step remained to be taken: to make the Institution a college in name as well as in fact. Accordingly we find that at their meeting on August 12, 1820, the Trustees voted:

"23. Voted to raise a committee to petition the Legislature of Maine to allow the M. L. & Theo. Institution to take the name of the College at Waterville with the Liberty to add the name of such gentlemen as shall make the most liberal donation & that the above Committee consist of the Rev. S. Boardman, Timothy Boutelle, & Rev. Dr. Chaplin."

When the legislature met in January, 1821, the committee presented a petition in this form:

"To the Hon. Senate & House of Representatives of the State of Maine in Legislature assembled—

Respectfully represent The Trustees of the Maine Literary & Theological Institution that the present name of this Institution not indicating that it is clothed with the powers common to other Colleges they pray that the name of the same may be altered & that in future it may be known & called by the name of Maine College—or such other name as shall be deemed fit and proper.  
8 Jan'y 1821—

JER. CHAPLIN	} Committee appointed by Trustees.
TIMO BOUTELLE	

It is to be noted that the committee did not follow their instructions to the letter. Instead of asking that the name be changed to "the College at Waterville" they asked that it be changed to "Maine College." What effect the adoption of the latter name might have had upon the history of the college is a matter for interesting speculation. On January 22d the petition was committed to Messrs. Boutelle, Rice, and Seaver, who on the next day reported the following bill:

#### STATE OF MAINE

In the year of our Lord Eighteen hundred & twenty-one.

An Act to change the name of the Maine Literary & Theological Institution—

Be it enacted by the Senate & House of Representatives in Legislature assembled—That from & after the passing of this act, the name of the said Maine Literary & Theological Institution shall cease, & the same shall henceforth be called & known by the name of *Maine College*, any law to the contrary notwithstanding—and nothing in this act contained shall be construed to impair or annul any of the rights, powers, or privileges of the said Corporation.

On the 24th of January the bill was passed to be engrossed, and

sent down for concurrence. Its fate in the house is recorded in the House Journal for Thursday, January 25, 1821.<sup>14</sup>

"Bill to change the name of the Maine Literary and Theological Institution, Read a third time and passed to be engrossed—immediately on motion this vote is reconsidered and the Bill committed to Messrs. Little of Bucksport, Miller of St. George, and Smith of Wiscasset."

The committee made the following report, which was adopted:

"State of Maine, House of Representatives, Jany. 1821. The Committee to whom was referred the act to change the name of the Maine Literary & Theological Institution have attended that duty, and report that the same be amended by striking out the word 'Maine' in the sixth line 1st section & inserting the word 'Waterville' instead thereof. S Little, Per order."

The Senate on January 27th concurred in the amendment, and on February 5th the act was approved. The "original design of the Trustees" had been accomplished after nearly ten years of effort, and what may be considered the formative period in Colby's history was at an end. The lines along which the college should have its development were practically decided, and it only remained to build wisely on the foundations laid through the persistent effort of those who had had the foresight and courage to make the beginnings.



## VI.

We have now traced the history of the college from its beginnings in the action of the Bowdoinham association in September, 1810, to its culmination in the act of January, 1821. We have seen that the founders attempted twice to secure a college charter from the General Court of Massachusetts and failed. We have seen them accept a charter for a Literary and Theological Institution, under which they proceeded to set in operation what was essentially a college. We have read their statement to the public that students in the literary department of the new institution are "required to pursue, in general, the same course of studies as those are who enter the several colleges of this commonwealth." We have seen them vote to erect a "college edifice" on the "college land" in Waterville. We have seen them petition the first legislature of Maine for the right to grant "such degrees as are usually conferred by other colleges," on the ground that it was the "original design" of the Trustees to establish an institution of collegiate rank. And, finally, we have seen them ask for a name suited to the rank of the institution. So long as original documents have any historical value there can be but one conclusion regarding the purpose of the men who founded the Maine Literary and Theological Institution: *They intended to set up a college*, and in spite of great opposition they persevered until their purpose was accomplished.

In view of these facts the twenty-seventh day of February, 1813, has for us a new significance. It is the birthday of the college in a sense more real than any succeeding date can be, for on that day the corporation now known as Colby College came into existence, and from that day date the actual beginnings of the college. It is a day of which the centennial, on the twenty-seventh of next February, should be solemnly and worthily observed by all true friends of the college which then enters upon its second century of usefulness.









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Chipman # The formative  
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